

C.V.S.P. ASU 149L

P.O. Box 2349

BLYTE, CA, 92226

FILED

JUN - 6 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

JEFF J. HANCOCK

007-04469 - CW

Petitioner

EX-PARTE APPLICATION FOR

JAMES D. HARTLEY, Acting Warden

RETENTION OF EVIDENCE ITEMS

Respondent

POSSESSED BY SUNNYVALE DPS

STORED CASE # CR03-9059

On 6/2/08 Petitioner received the attached letter from his arresting agency's Property Clerk, David L. Browning, informing him that "if retention of the evidence is required for a separate hearing... this order needs to be signed by a judge." Petitioner anticipates the possibility of the need for the use of this evidence at the outset of his/her proceeding currently in front of the court. This is the same evidence that was used in the case currently before the court. Petitioner requests an order be signed by the court directing Sunnyvale DPS to retain evidence stored under case # CR03-5059.



Sunnyvale Department of Public Safety
Bureau of Technical Services
Property Unit

Jeff Hancock, V-49474
C.V.S.P. ASU 149L
P.O. Box 2349
Blythe, CA 92226

May 27, 2008

Re: Sunnyvale DPS Case # CR03-9059

Mr. Hancock,

We are in receipt of your letter dated 05-05-08, requesting retention of evidence items seized under our case number CR03-9059.

We are holding the evidence, pending the disposition of your appeal of Santa Clara County docket # EE302496, (CEN #03041987).

If retention of the evidence is required for a separate hearing (federal?), we will need an order from the court hearing the case. This order needs to be signed by the judge.

Sincerely,

A handwritten signature in black ink, appearing to read "DLB", is written over a horizontal line.

David L. Browning
Property Clerk

1 STATE OF CALIFORNIA)

2 COUNTY OF RIVERSIDE)

ss

PROOF OF SERVICE BY
PERSON IN STATE CUSTODY3 I, TJeff Hancock, the undersigned, certify, and do4 declare that I am over the age of 18 years, incarcerated at Chuckawalla Valley
5 State Prison, located at Blvthe, CA and a party / not a party to the
6 attached foregoing cause of action. On June 3rd, 2008, I did serve
7 a true copy of:8 Ex Parte Application for retention
9 of evidence by Sunnyvale DPS
10 Case # EE302496 (CEN#03041987)
11 Stored under case # CR03-9059
1213 [] by depositing it in a prison mail box in a sealed envelope, or [] by
14 handing it to institutional staff in a sealed envelope, along [] with Inmate
15 Trust Account Withdrawal Order Form attached to it requesting that postage be
16 fully prepaid, or [] with postage affixed thereto for deposit in the United
17 States Mail pursuant to California Code of Regulations Sections 3142 and 3165;
18 addressed to the following:19 Office of the Clerk, U.S. District Court
20 Northern District of California
21 1301 Clay St., Suite 4005
22 Oakland, CA. 94612-521223 Intended place of mailing: U.S. Post Office, at Blvthe, California.24 I further declare under penalty of perjury that the foregoing is true and
25 correct to the best of my knowledge, and belief. Executed on June 3rd,
26 2008.27 TJeff Hancock
28 PETITIONER/DECLARANT IN PRO PER